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GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. CV 10-03561 WHA

**JOINT SUBMISSION RE: RULINGS IN
LIMINE FROM FIRST TRIAL**

Trial: May 9, 2016
Dept.: Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

JOINT SUBMISSION REGARDING RULINGS IN LIMINE FROM THE FIRST TRIAL

Pursuant to the Court's Order (ECF No. 1764), the parties file this summary list of all motions *in limine* rulings from the first trial that the parties agree have any realistic chance of resurrection at this trial. The parties agree that the Court's prior rulings from the first trial on this list are subject to the Court's rulings in this trial.

1. Court's Order denying Google's Motion In Limine No. 1 to exclude Lindholm email and drafts, but allowing Counsel to explain email subject to the Court's ruling on Oracle's Motion in Limine 5, ECF No. 492 (Google Mot.); ECF No. 492-1 (Oracle Opp.). *See* ECF No. 676 (Omnibus Order on Motions in Limine for Pretrial Conference) at 1-2.

2. Court's Order granting Oracle's Motion In Limine No. 2 to exclude evidence or argument by either side that Google relied on legal advice in making its decision to develop and release Android without a specific proffer and approval by the Court in advance, ECF No. 663 (Oracle Mot.); ECF No. 663-1 (Google Opp.). *See* ECF No. 676 (Omnibus Order on Motions in Limine for Pretrial Conference) at 6.

3. Court's Order granting, in part, and denying, in part, Oracle's Motion In Limine No. 4 to exclude evidence or argument regarding Sun/Oracle's past actions with Application Programming Interfaces, including the 1994 congressional testimony of Eric Schmidt, ECF No. 665 (Oracle Mot.), ECF No. 665-1 (Google Opp.). *See* ECF No. 676 (Omnibus Order on Motions in Limine for Pretrial Conference) at 6-7.

4. Court's Order granting, in part, and denying, in part, Oracle's Motion In Limine No. 5 to exclude evidence and argument regarding information withheld as privileged in connection with the Lindholm email, ECF No. 676 (Oracle Mot.); ECF No 667-1 (Google Opp.). *See* ECF No. 676 (Omnibus Order on Motions in Limine for Pretrial Conference) at 7.

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2 Dated: May 4, 2016

ORRICK, HERRINGTON &
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3
4 By: /s/ Andrew D. Silverman

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10 Dated: May 4, 2016

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ATTESTATION

I, Andrew D. Silverman, am the ECF User whose ID and password are being used to file the **JOINT SUBMISSION RE: RULINGS IN LIMINE FROM FIRST TRIAL**. I hereby attest that Robert A. Van Nest, one of the counsel for Google Inc., has concurred in this filing.

Date: May 4, 2016

/s/ Andrew D. Silverman